

REMARKS

Claims 1 to 38 are pending in this application. Claim 13 is amended. Claims 39 to 55 are cancelled.

The Restriction Requirement

Restriction has been required under 35 U.S.C. §121 to one of the following groups of claims:

- I. Claims 1-38 drawn to a catalyst composition and classified in Class 502, subclass 64.
- II. Claims 39-55, drawn to a hydrocarbon conversion process, classified in Class 585, subclass 100.

During a telephone conference on June 15, 2005, the undersigned made a provisional election with traverse to pursue the invention of Group I, Claims 1-38. This election is affirmed herein. Claims 39 to 55 are cancelled pursuant to the restriction requirement, without prejudice.

The Rejections

1. Claims 1-12 and 16-25 are rejected under 35 U.S.C. §102(a) as being anticipated by WO 01/17901.

The present application claims priority to U.S. Patent application Serial No. 09/390,276 filed September 7, 1999. This early priority predates the WO 01/17901 reference which, in fact, also claims priority to 09/390,276. The 09/390,276 application is incorporated by reference in the present application.

While the present application is a continuation in part, and the new matter in this application is not entitled to the priority date of the 09/390,276 application, nevertheless, the subject matter in the earlier patent applications relied upon for priority cannot be applied against the present claims.

In view of this, reconsideration and withdrawal of the rejection are respectfully requested.

2. Claims 1-11 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-10 of U.S. Patent No. 6,762,143.

Claims 12 and 17-25 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Claims 1-26 of U.S. Patent No. 6,814,950.

Applicants include herewith a terminal disclaimer which disclaims over both U.S. Patent Nos. 6,762,143 and 6,814,950, both of which claim priority to U.S. Application No 09/390,276 filed September 7, 1999. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Allowable Subject Matter

Claims 13-15 are objected to but deemed to be allowable if rewritten in independent form. Claim 13 is put into independent form by amendment herein.

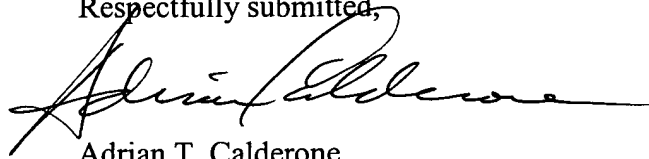
Claims 26-38 are allowed.

Appln. No. 10/691,358
Amendment dated October 12, 2005
Reply to the Office Action of July 1, 2005

CONCLUSION

For at least the reasons stated above, all of the pending claims are submitted to be patentable and in condition for allowance, the same being respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Adrian Calderone", written over a horizontal line.

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